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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/579,893	05/26/2000	Bruno Jechoux	0054-0208P-SP	9957
7590	10/06/2003		EXAMINER	
Birch Stewart Kolasch & Birch LLP PO Box 747 Falls Church, VA 22040-0747			HA, DAC V	
			ART UNIT	PAPER NUMBER
			2634	S

DATE MAILED: 10/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/579,893	JECHOUX, BRUNO
	Examiner Dac V. Ha	Art Unit 2634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 26 May 2000.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

4) Claim(s) 1-12 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-5 and 7-12 is/are rejected.

7) Claim(s) 6 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.	6) <input type="checkbox"/> Other: _____.

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show clear description of the elements (in Figures 1, 2) as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
2. Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect may be deferred until after the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application.

### *Specification*

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The disclosure is objected to because of the following informalities:

The first page (the page preceding page 1) of the specification contains incorrect information regarding this instant application.

Appropriate correction is required.

***Claim Objections***

5. **Claim 11** is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim 7, which serves a basis for multiple dependent claim 11.

See MPEP § 608.01(n). Accordingly, the claim 11 has not been further treated on the merits.

6. **Claims 1-12** are objected to because of the following informalities:

**Claim 1**, lines 7-8, the recitation “said amplitude or power measurement” should be changed to “the amplitude or power measurement”.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. **Claims 3- 5, 7-12** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**Claim 3**, the recitation “ $L_m$ ”, “ $t_d$ ”, “ $t_f$ ”, should be clearly defined.

**Claims 4, 5**, the recitation “ $v$ ” should be clearly defined.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. **Claims 1, 2** are rejected under 35 U.S.C. 102(e) as being anticipated by Kondo (US 6,178,193).

**Regarding claim 1**, Kondo teaches the following claimed subject matter.

“a transceiver which is in communication with another transceiver” (Figures 1, all elements; Figure 3, all elements; Col. 1, lines 19-22; Col. 6, lines 49-62) in that, both the base station and the mobile terminal transmit and receive;

“measuring the amplitude or power of the signal received by said transceiver” (Figure 1, combination of elements 16, 17, 18; Col. 2, lines 49-58; Col. 5, lines 19-21, 36-39);

“evaluating a power control command (PC) which is then used to command the emission power (P) of said transceiver according to said control command signal (PC)” (Col. 3, lines 35-37; Col. 4, lines 54-55; Col. 4, line 66 to Col. 5, line 2; Figure 3; Col. 6, lines 60-65), wherein the transmission power control information teaches “a power control command (PC)” and the transmission power teaches “the emission power (P)”;

“evaluating the fast fading duration of the received signal on basis of said amplitude or power measurement and of deducing the power control command (PC)

from said fast fading duration" (Figure 1, elements 15, 20; Col. 2, lines 61-67; Col. 3, lines 34-39; Col. 4, lines 51-55; Col. 5, line 64 to Col. 6, line 29) in that, the teaching of fading in Kondo is "fast fading" (i.e. Rayleigh fading, Col. 2, line 12); the fading period computing means (Figure 1, element 15) deriving a fading period on basis of the detected signal from the measured power (Figure 1, elements 16, 17, 18); and "deducing the power control command (PC) from said fast fading duration" in that, judgment of the transmission power control information is made on basis of the fading period (Col. 6, lines 10-29).

**Regarding claim 2,** Kondo further teaches the claimed subject matter "comparing the evaluated fast fading duration with the time duration between the amplitude of the power measurement and the emission power setting, and in determining said power control command (PC) according to the result of said comparison" in Col. 6, lines 10-29; Figure 2, element A7; Figure 5, element "ONE SLOT (TRANSMISSION POWER CONTROL PERIOD)"; Figure 3, from T5 to T8; Col. 8, lines 18-42.

***Allowable Subject Matter***

11. **Claims 3-5, 7-12** would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

12. **Claim 6** would be allowable if rewritten to overcome the objection, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Prior art of record, taking individually or collectively, fails to suggest the motivation for incorporating in a method and apparatus, as claimed, the specific method for setting the power control command on basis of the fading duration in claims 3-12. Thus, claims 3-12 are found to be novel and unobvious over prior art of record.

***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

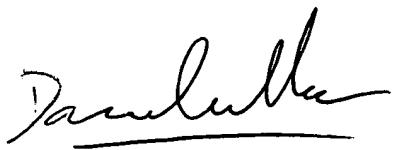
Soininen et al. (US 6,343,130) disclose a Switching Control Method And Apparatus For Wireless Telecommunications.

Schiff (US 6,449,463) discloses a Variable Gain In Double Loop Power Control Systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dac V. Ha whose telephone number is 703-306-5536. The examiner can normally be reached on 5/4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on 703-305-4714. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 305-5500.



Dac V. Ha  
Examiner  
Art Unit 2634